



## COMMITTEE OF ADJUSTMENT

### REPORT N° AMÉ-20-56-R

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| <b>Date received</b>     | 05/08/2020   |
| <b>Date of meeting</b>   | 23/09/2020   |
| <b>Submitted by</b>      | Nicolas Denis  |
| <b>Subject</b>           | Consent – Lot creation   |
| <b>File Number</b>       | D-10-897   |
| <b>Owner</b>             | Guy Desjardins   |
| <b>Agent</b>             | Sophie Reitano   |
| <b>Civic Address</b>     | 1410 Landry Road   |
| <b>Legal Description</b> | Part of Lot 3, Concession 6, Part 1 on Reference Plan 50R-8449 |

#### 1) GENERAL INFORMATION:

**Designation of the Official Plan of the United Counties of Prescott and Russell:** Agricultural Policy Area

**Designation of the Official Plan of the Urban Area of the City of Clarence-Rockland:** N/A

**Designation of the Official Plan of Bourget:**  
N/A

**Classification of Zoning By-law No. 2016-10:**  
Restricted Agricultural (AR) Zone

**Services :**

**Municipal Water:** No

**Municipal Sewer:** No

**Road Access:** Landry Road (County Road 8)

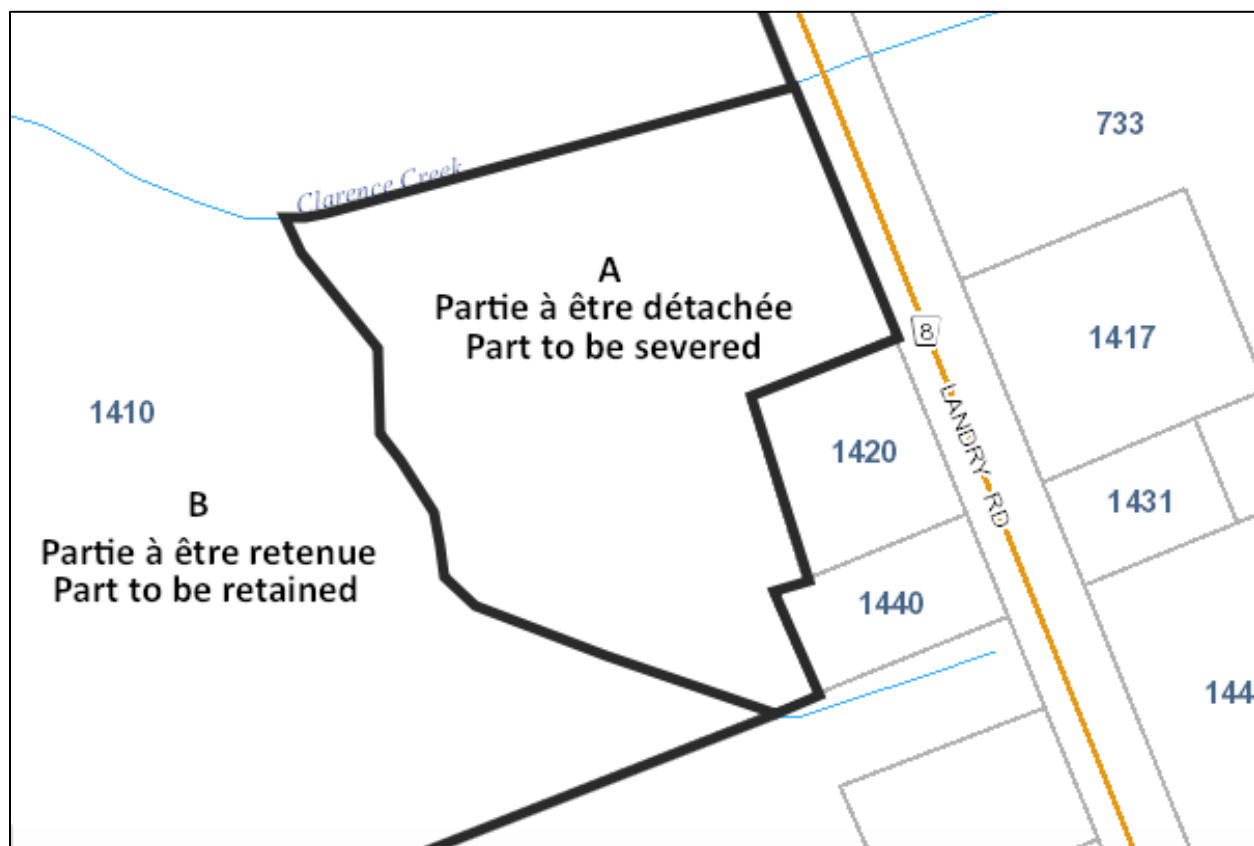
An appeal may be made to the OMB if no decision is made within 90 days (11/02/2020).

#### 2) PURPOSE :

The owner has requested consent in order to create a new lot for the purpose of severing the portion of the property on which greenhouses are located. The proposed new lot would have a frontage of 92 m on Landry Road, a depth of 156 m and an area of 2.02 ha.

### 3) CONSENT REQUESTED :

|                     | Frontage | Depth | Area    |
|---------------------|----------|-------|---------|
| (A) Severed parcel  | 92m      | 156m  | 2.02ha  |
| (B) Retained parcel | 212m     | 717m  | 38.28ha |



**Figure 1 (Keymap)**

### 4) CONDITIONS AND COMMENTS RECEIVED :

**Finance :**

No objection.

**Protective Services :**

No concerns.

**Community Services :**

5% of the value of the parcel to be severed as cash-in-lieu of parkland payment.

**Construction :**

No objection.

**Infrastructure Services :**

No comments.

**United Counties of Prescott and Russell :**

See attached document.

**South Nation Conservation :**

See attached document.

**Planning Services :**

On August 5<sup>th</sup> 2020, Sophie Reitano on behalf of Guy Desjardins submitted a complete consent application in order to sever a parcel of land of approximately 2 hectares with 92m of frontage on Landry Road (County Road 8). The purpose of this application is to sever the portion of the property on which the greenhouses are located from the rest of the lot currently used for growing crops.

The subject property is located within the "Agricultural Policy Area" on Schedule "A" of the Official Plan of the United Counties of Prescott and Russell. Although the Official Plan of the United Counties of Prescott and Russell limits the type of lot creations in this policy area, Section 7.4.2.3.1 does permit farm consents. The Official Plan states:

*"Farm lot size shall be maintained as large as practical and farm consents to land severance shall only be considered where the Consent Approval Authority is satisfied that the lots be:*

- 1. of a size appropriate for the type of agricultural uses common in the area; within the United Counties of Prescott and Russell, both the severed and retained parcels shall be generally 40 hectares in size, and;*
- 2. sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations;*
- 3. the proposed consent does not create or promote inappropriate agricultural land fragmentation;*
- 4. the farm buildings either existing or proposed will be sufficiently separated from buildings on adjacent lots to comply with the Minimum Distance Separation Formula II as amended from time to time."*

That being said, the applicant is requesting the creation of a new lot with a total area of 2.02 hectares. Although, this lot area is not close to the desired 40 hectares for a severed parcel in an agricultural policy area, it is appropriate for the current type of agricultural use. The existing greenhouse and nursery does not require a large portion of land to operate efficiently. It requires limited space for the structures and possible expansion, for a parking area and for appropriate sewage and water services (if required). Consequently, the proposed lot seeks to accommodate the current use while limiting the amount of land lost for more traditional agricultural uses, such as growing crops. The

retained parcel will maintain 38.28 hectares, which will satisfy the general intent of creating appropriate size lots in this policy area and will stay sufficiently large enough to maintain the flexibility it requires to accommodate future types of agricultural operations. In my opinion, recommending a larger lot area for the proposed severed parcel would arguably promote a more inappropriate fragmentation of agricultural land than the one proposed. In fact, the portion of the lot subject to this consent application is already naturally fragmented by the location of the Clarence-Creek and resulting topography from the rest of the property. The applicant wishes to create a new property line using this natural barrier, therefore, reflecting the existing features of the land. In addition, contemporary agriculture and agricultural-related uses offer numerous possibilities. A smaller lot within this policy area could in return offer more diverse opportunities for future development and assistance to our farmers and community.

Furthermore, the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*, outlines this same point by stating: "Lots may only be created for *agricultural uses* provided: the severed and retained lots are of a size appropriate for the type of *agricultural use(s)* common in the area and the lots are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations (PPS Policy 2.3.4.1 a)".

Moreover, as previously mentioned, the subject property has a watercourse, which is identified as a Fish Habitat according to Schedule "B" of the Official Plan of the United Counties of Prescott and Russell. In fact, the proposed severed parcel is completely surrounded by this watercourse (Figure 2). That being said, because the uses exist and no new uses or development are proposed, an Environmental Impact Study will not be required.

The property is within a "*Restricted Agricultural (AR) Zone*" according to schedule "A" of the Zoning By-law 2016-10. The existing greenhouses and nursery located on the subject property fall under the agriculture use definition and is permitted in this zone. If the application is approved, the owner will require as a condition of this consent an amendment to the Zoning By-law in order to permit the lot area for both the retained and detached parcel and in addition remove all residential uses and accessory residential uses from the retained parcel.

The proposed consent generally conforms to the Zoning by-law 2016-10, to the Official Plan of the United Counties of Prescott and Russell and to the Provincial Policy statement

5) **DEPARTMENTAL RECOMMENDATION :**

THAT the Committee of Adjustment approve the consent application submitted by Sophie Reitano for Guy Desjardins, file number D-10-897, concerning the property described as 1410 Landry Road, subject to the following conditions:

1. That the applicant(s) provide to the City of Clarence-Rockland one original paper copy and one electronic copy (PDF format) of a registered Reference Plan (plan of survey) that identifies the severance D-10-897 as approved by the committee.
2. That the applicant(s) provide to the United Counties of Prescott and Russell one copy to be submitted electronically in PDF and DWG formats of a registered Reference Plan (plan of survey) that identifies the severance D-10-897 as approved by the committee.
3. That the road allowance of County Road 8 along the severed and retained parcel be enlarged as needed to 13 metres from the centre of the road and that a Deed/Transfer be prepared and executed to transfer the land free of fees or encumbrances to the United Counties of Prescott and Russell for the sum of \$1.00.
4. That the applicant(s) obtain an amendment to Zoning By-Law No. 2016-10 for the retained parcel (B) and detached parcel (A) in order to permit the lot areas for both parcels and remove all residential uses and accessory residential uses from the retained parcel (B).
5. That the applicant(s) accept to update the list of owners of the cost sharing assessment schedule of the Clarence-Creek municipal drain watershed.
6. That the applicant(s) pay the City of Clarence-Rockland an amount equivalent to 5% of the value of the parcel to be severed as cash in lieu of parkland payment. The value of the land shall be determined by:
  - (a) A market appraisal or a letter of opinion, obtained by and at the owner's expense, from a certified appraiser reviewed and accepted by the Infrastructure and Planning Department; or
  - (b) The most recent land sale record of the subject property, no more than 24 months prior to the date of the decision, reviewed and accepted by the Infrastructure and Planning Department; provided the sale was at market value and there has been no change that may impact the land value, including but not limited to changes in the zoning, Official Plan designation, or severance.

7. That the applicant provide to the Approval Authority of the City of Clarence-Rockland a Transfer/Deed of land conveying the severed land for use for the issuance of a Certificate of Consent.
8. That each condition be fulfilled and that the Consent Approval Authority of the City of Clarence-Rockland be notified in writing within one (1) year of the date of the Decision by the departments and/or agencies having imposed the said conditions.